

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOHN GARCIA,

Defendant.

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Case No. 3:11cr141

JUDGE WALTER H. RICE

AMENDED JUDGMENT ENTRY TO JUDGMENT ENTRY FILED ON
MAY 2, 2012; RIGHT OF APPEAL EXPLAINED AND UNDERSTOOD;
SUPERVISION AND JURISDICTION TO BE TRANSFERRED; RIGHT
OF APPEAL EXPLAINED AND UNDERSTOOD; NO PROCEDURAL OR
SUBSTANTIVE OBJECTIONS TO THIS COURT'S SENTENCE;
TERMINATION ENTRY

On May 2, 2012, the Defendant was sentenced to a term of 120 months in the custody of the Attorney General of the United States, the Bureau of Prisons, with a 5-year term of supervised release to follow, upon certain stated conditions. Given that a Rule 35 motion to reduce sentence was contemplated in the very near future, the Court deferred execution of the 120-month sentence, giving the Defendant an attempt to show that he was entitled to a significantly reduced sentence.

On April 20, 2017, Defendant appeared in open Court for two purposes. First, to respond to a Petition filed by the United States Pretrial Services Office in the Northern District of Illinois and for resentencing, a Rule 35 motion having been filed shortly after his initial sentencing in 2012.

Pursuant to the record made on the aforesaid April 20, 2017, the Defendant admitted the allegations of the bond violation Petition and was found in violation of his bond set and met December 1, 2011. Further, based upon the record made on the aforesaid April 20, 2017, the Defendant was given credit for the assistance rendered the government and was resentenced to a term of 30 months in the custody of the Attorney General of the United States, the Bureau of Prisons, with a period of supervised release of 5 years to follow, subject to all conditions imposed on May 2, 2012, save and excepting the community service component, as same has been completed. The Defendant is to become current on his child support and, if not financially able, he is to go to the local child support office to seek a reduction and a payment plan. He is not to drive without a valid Illinois driver's license.

Following the above, the Defendant was orally explained his right of appeal and he indicated an understanding of same.

Supervision over the Defendant, as well as jurisdiction over the captioned cause, is to be transferred to the Northern District of Illinois at Chicago.


As far as recommendations to the Bureau of Prisons are concerned, the Court recommends that Defendant be given credit for all allowable pre-sentence jail time served and that he be incarcerated as close to his home in the Chicago, Illinois area as possible, consistent with his security status. He is to receive any and all available drug treatment in the institution to which he is designated.

Following the above, neither counsel for the Defendant nor for the government had any procedural or substantive objections to this Court's sentence.

The Defendant is to resolve the pending Warrant in Springfield, Missouri, prior to his reporting to the designated institution.

The outstanding Warrant against the Defendant from this Court is recalled.

The captioned cause is ordered terminated upon the docket records of the United States District Court for the Southern District of Ohio, Western Division, at Dayton.



April 27, 2017

WALTER H. RICE
UNITED STATES DISTRICT JUDGE

Copies to:

Counsel of record
Charles Steed, U.S. Probation Officer